

REMARKS

The Office Action mailed August 1, 2006, has been received and reviewed. Claims 1-7, 11-16, 20, and 21 are currently pending in the application. Claims 1-7, 11-16, 20, and 21 stand rejected. Claims 1, 16, and 21 have been amended herein. Support for the amendments may be found throughout the specification, such as on page 19, lines 1-34. No new matter has been added. The amendments are made without prejudice or disclaimer. Reconsideration of the application is respectfully requested.

1. Interview

Applicants thank the Examiner for the courtesy extended during the interview conducted on September 12, 2006. Applicants appreciate the Examiner's helpful comments. As indicated in the Interview Summary, the substance of the interview is substantially as follows:

“Discussed remaining art rejection. Discussed possible method steps which may obviate the remaining rejections. Examiner noted that claim 16 was not included in the last Office Action and Claim 20 was erroneously rejected. Claim 20 should not have been listed with the rejected claims.”

Applicants believes the foregoing description provided by the Examiner and agreed to by applicants' representative, taken with the comments contained with the remainder of this response, adequately sets forth the substance of the interview. *M.P.E.P. § 713.04*. If further comments are deemed necessary or helpful, the Office is kindly requested to contact applicants' undersigned attorney who will promptly provide any further detail desired.

2. 35 U.S.C. § 102(b) rejections

Claims 1-5, 11-13, 15, and 21 are rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Grathwohl *et al.* (*Journal of Virological Methods*, 64:205-216, 1997) (hereinafter “Grathwohl”). Specifically, it was thought that Grathwohl discloses that both a GdnSCN and an SDS sample were prepared prior to application to ELISA plates and thereby allegedly discloses preparing a test set and a control set. Applicants respectfully traverse the rejections at least partially in view of the amendments to the claims.

Claims 1 and 21 have been amended to recite determining with anti-PrP^{Sc} antibodies instances of increased antibody reactivity as a function of denaturation in guanidine thiocyanate or one or more chaotropic agents in the test set versus the control set. Such subject matter should be patentable over the cited art. Thus, applicants submit that the claims are novel and non-obvious over the cited art and request withdrawal of the 35 U.S.C. § 102(b) rejections.

3. 35 U.S.C. § 103(a) rejections

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Grathwohl. Applicants respectfully traverse the rejections.

Dependent claims 6 and 7 are nonobvious under Grathwohl because, *inter alia*, independent claim 1 is nonobvious as Grathwohl does not teach or suggest each and every element of independent claim 1. Therefore, dependent claims 6 and 7 cannot be obvious. Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections under Grathwohl are respectfully requested.

4. 35 U.S.C. § 112, second paragraph rejections

Claims 14 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention¹. Applicants respectfully traverse the rejections to the extent the rejections have not been mooted by the Interview.

Claim 14 stands rejected for the reasons of record. In the prior Office Action mailed January 27, 2006 at page 4, claim 14 was rejected for indefiniteness for depending from a rejected claim. Claim 14 depends from claims 1, 11, and 13. Claims 1, 11, and 13 were not rejected for indefiniteness in either the present or the prior Office Action. As none of the claims from which claim 14 depends are rejected for indefiniteness, it is unclear how claim 14 could still be rejected for the reasons of record (*i.e.*, depending from a rejected claim). Applicants respectfully request withdrawal of the 35 U.S.C. § 112, second paragraph, rejection of claim 14.

¹ Claim 20 was rejected for indefiniteness; however, as discussed at the Interview it appears that the Examiner will withdraw the rejection of claim 20.

5. Claim 16

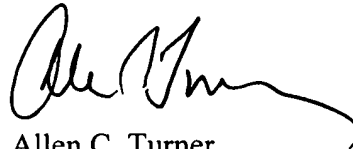
Claim 16 was indicated as finally rejected on page 3 of the present Final Office Action; however, no basis was indicated for rejecting the claim. It appears the Examiner will indicate that the subject matter of claim 16 is patentable. Claim 16 is to be amended to be an independent claim.

Conclusion

Applicants note that claims 1 and 21 have been amended to include subject matter similar to that already present in claim 20. Therefore, an additional search is not required and entry of the amendments is respectfully requested.

If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



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